

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION**

CHARLES A. RASCO : **DOCKET NO.**

VERSUS : **JUDGE**

**MARGARITAVILLE RESORT
CASINO, D/B/A BOSSIER CASINO
VENTURE, INC., BEN LNU, DELORES
LNU, AND YOLANDA GREEN** : **MAGISTRATE**

NOTICE OF REMOVAL

NOW INTO COURT, through undersigned counsel, come Defendants, Bossier Casino Venture, Inc. d/b/a Margaritaville Resort Casino (“Margaritaville”), Ben Morris (incorrectly identified as Ben “LNU”), Delores Dorsey (incorrectly identified as Delores “LNU”) and Yolanda Green (collectively “Defendants”), which, pursuant to 28 U.S.C. §§ 1331 and 1441, hereby remove the action styled *Charles A. Rasco v. Margaritaville Resort Casino, d/b/a Bossier Casino Venture, Inc. et al*, Docket No. 153,835-C (the “State Court Action”), currently pending in the Twenty-Sixth Judicial District Court, Bossier Parish, State of Louisiana, to the United States District Court, Western District of Louisiana, Shreveport Division, and represent that:

1.

Charles A. Rasco (“Plaintiff”) commenced the State Court Action by filing a Petition (the “Petition”) on August 22, 2017.

2.

Defendants, Margaritaville and Yolanda Green were served with a copies of the Petition and Citations on August 29, 2017. *See* Exhibit A, attached hereto.

3.

This Notice of Removal has been filed within thirty (30) days of service and receipt of the Petition and Citation by Defendants, Margaritaville and Yolanda Green, and before the remaining Defendants have been served with process. This Notice is, therefore, timely pursuant to 28 U.S.C. § 1446(b).

4.

Venue is proper in this District and Division pursuant to 28 U.S.C. § 1446(a) because the State Court Action was brought in Bossier Parish, Louisiana, which is located within this Division of this District.

5.

This Court has original jurisdiction over at least some of Plaintiff's claims against Defendants pursuant to 28 U.S.C. § 1331 because Plaintiff's claims arise under a law of the United States, specifically Title II of the Civil Rights Act of 1964, 42 U.S.C. § 2000 *et seq* (the "Civil Rights Act"). Specifically, Plaintiff, an African American male, alleges in his Petition that he:

- a. Received disparate treatment while gambling at Margaritaville due to his race (§ 4);
- b. Was discriminated against by Margaritaville employees while gambling (§ 9); and
- c. Was "wrongfully evicted" from Margaritaville "solely due to his skin color" (§ 11-12).

6.

The above allegations arise under the Civil Rights Act, which prohibits, among other things, any place of “public accommodation” from discriminating against any person on the ground of race. *See* 42 U.S.C. § 2000(a). Margaritaville is a place of public accommodation within the meaning of the Civil Rights Act because its operations affect commerce and is a “place of [. . .] entertainment.” *See* 42 U.S.C. § 2000(b)(3).

7.

It is not clear whether Plaintiff’s Petition asserts claims other than those arising under the Civil Rights Act. To the extent Plaintiff has raised any additional state law or other claims which do not arise under the Civil Rights Act or federal law, this Court has supplemental jurisdiction over such claims pursuant to 28 U.S.C. § 1367(a). Therefore, removal of the State Court Action is proper.

8.

Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice will be filed with the Clerk of the Twenty-Sixth Judicial District Court, Bossier Parish, Louisiana, and attached to a Notice of Filing of Notice of Removal, which is attached hereto as Exhibit B.

WHEREFORE, Defendants, Bossier Casino Venture, Inc. d/b/a Margaritaville Resort Casino, Ben Morris (incorrectly identified as Ben “LNU”), Delores Dorsey (incorrectly identified as Delores “LNU”) and Yolanda Green (collectively “Defendants”) pray that the above entitled action be removed from the Twenty-Sixth Judicial District Court, Bossier Parish, Louisiana to this Honorable Court and for all other appropriate relief.

Respectfully submitted,

WIENER, WEISS & MADISON
A Professional Corporation

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ATTORNEYS FOR DEFENDANTS

CERTIFICATE

I hereby certify that a copy of the foregoing Notice of filing of Notice of Removal has been served upon counsel for Plaintiff by United States Mail, properly addressed and with adequate postage.

Shreveport, Louisiana on this 8th day of September, 2017.

/s/ Reid A. Jones

Reid A. Jones